



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219-3000

GREGORY A. WHIRLEY
ACTING COMMISSIONER

November 29, 2005

MEMORANDUM

To: Ms. Alice Allen-Grimes – Corps of Engineers, USACE
Mr. Dave O'Brien – Virginia Institute of Marine Science, VIMS
Ms. Catherine Harold – Department of Environmental Quality, Water
Mr. Waverly W. Gregory Jr. – U.S. Coast Guard
Mr. Harold Draper – Tennessee Valley Authority, TVA
Mr. Corey Garyotis – Department of Conservation and Recreation, DDSFM
Mr. Tim Goodger – National Marine Fisheries Service, NMFS
Mr. Charlie Hepper – VDOT Location & Design
Mr. William Hester – Fish and Wildlife Service, FWS
Mr. Lee Hill – Department of Conservation and Recreation, DSW
Mr. Marc Holma – Department of Historic Resources, DHR
Ms. René Hypes – Department of Conservation and Recreation, DNH
Mr. Robert Munson – Department of Conservation and Recreation, DPRR
Mr. Arthur Kapell – Department of Environmental Quality, Waste
Mr. Roy Mills – VDOT Location & Design
Mr. Amy Martin – Department of Game and Inland Fisheries, DGIF
Mr. Kotur Narasimhan – Department of Environmental Quality, Air
Mr. Charlie Pettie – VDOT Structure & Bridge
Ms. Cara Simpson – VDOT Location & Design
Mr. Peter Stokely – Environmental Protection Agency, EPA
Mr. Ed Sundra – Federal Highway Administration, FHWA
Mr. Steve Pellei – Department of Health, VDH
Mr. Jay Woodward – Virginia Marine Resources Commission, VMRC

From: Tracey E. Harmon
Permits Coordinator

Signature on File at VDOT

Re: November 2005 Inter-Agency Coordination Meeting

Attached are the FINAL comments for the November Inter-Agency Coordination Meeting.

Attachments

Final Agency Comments

Permit No. 05-6808-09

Project No. 0609-057-140-B601-C501

A. FEDERAL

Corps of Engineers

We note VDHR no effect determination. Good job on avoidance and minimization. Need FWS comments on T & E and any time of year restrictions. Need to include CE document. Mitigate for any permanent wetland impact. Need sufficient design details to issue permit. Coordinate with NMFS. 10/12/05

We note FWS' and SHPO's "no effect" determinations. Please include FHWA's categorical exclusion document in the application. Please ensure that you coordinate with NMFS for an Essential Fish Habitat (EFH) determination. Standard bridge comments.

We note that this will be a RFP process; however, in the application, we will need sufficient details to issue permit and cannot issue assuming worst case scenario. 11/10/05

Fish and Wildlife Service

No comment. 11/15/05

Environmental Protection Agency

No comment. 11/15/05

National Marine Fisheries Service

No comment. 11/15/05

United States Coast Guard

No comment. 11/15/05

Tennessee Valley Authority

No comment. 11/15/05

B. STATE

Department of Environmental Quality

- *Air:*

Fugitive dust & emission control (9 VAC 5-50-60 et seq.) and Open Burning (9vac 5-40-5600 et seq.) 10/07/05

- *Water:*

Supply copy of presentation to Tina Rayfield. Defers to DGIF and DCR regarding T & E. If qualifies for NW23 no permit required. 10/12/05

Please supply DEQ with a copy of the presentation. DEQ is concerned about potential impacts to T&E species and defers to DGIF and DCR for comments. DEQ has unconditionally certified the NW23 and 33's. Provided that the project qualifies for NW23 and NW33, a DEQ permit will not be required. 11/01/05

- *Waste:*

No comment. 11/15/05

Final Agency Comments

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Department of Conservation and Recreation

- *DPRR:*

This bridge project is on a designated scenic byway. The design of the bridge should be attractive and provide for pedestrians and bicyclists. Care to maintain the scenic qualities of the byway should be taken through out the project. Shoulder restoration should be in keeping with the existing vegetative cover. 10/03/05

- *DSWC:*

No comment. 11/15/05

- *DNH:*

Appreciate the coordination and request continued coordiation during process. 10/12/05

According to the information submitted, the Bethel Beach Natural Area Preserve is adjacent to the proposed project area. This preserve contains sandy beach, low dune, and salt marsh habitats. Wind and water move sand creating an ever-changing habitat on the narrow beach. Rare marsh and colonial nesting birds as well as the globally rare northeastern beach tiger beetle and a globally rare beach plant are protected on the property.

DNH have been meeting with VDOT representatives concerning this project. The design of the project is still being formulated and at this point DCR does not have any concerns regarding natural heritage resources or the Bethel Beach Natural Area Preserve. However, DCR recommends continued coordination with DNH and Recreation and Planning as the project is designed and constructed. 11/10/05

Virginia Institute of Marine Science

No comment. 11/15/05

State Health Department

No comment. 11/15/05

Department of Game and Inland Fisheries

Recommend continued coordination with DCR regarding the Tiger beetle. Recommend continued coordination with DGIF regarding the bald eagle. 10/12/05

If any work on the beach/dunes (including material storage, vehicle traffic, etc) is in this project scope, we recommend coordination with Ruth Boettcher, VDGIF Eastern Shore Wildlife Diversity Biologist, at 757-442-2429 regarding possible impacts upon loggerhead sea turtle nests. In lieu of this coordination, we recommend that all work on beaches/dunes follow a time of year restriction of May 15 through November 30. We recommend adherence to our standard instream comments and strict E&S. 11/09/05

Department of Historic Resources

No comment. 11/15/05

Marine Resources Commission

Based on the 1916 maps the canal appears to be man made. Encourage design to span wetlands. Coordinate with VIMS on tidal issues. 10/12/05

Final Agency Comments

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C. VIRGINIA DEPARTMENT OF TRANSPORTATION RESPONSE

COE:

CE will be included with permit application. Permanent wetland impacts will be mitigated. Sufficient design details will be provided during the design-build process. 11/18/05, SC

DEQ:

Fugitive dust and open burning regulations noted. A presentation copy will be sent to Ms. Rayfield. 11/18/05, SC

DCR:

Further coordination with DNH will occur during the design-build process. 11/18/05, SC

DGIF:

Further coordination concerning loggerhead sea turtle nests will be conducted. 11/18/05, SC

VMRC:

Comments concerning canal and spanning the wetlands are noted. 11/18/05, SC